

United States District Court
District of Maine

ATTORNEY ADMISSION FUND PLAN

Revised November 15, 2013

I. Declaration

The Court has authorized the creation and maintenance of a non-appropriated fund, referred to as the Attorney Admission Fund ("Fund"), which is derived from *pro hac vice* fees collected from visiting attorneys appearing in the District Court pursuant to Local Rule 83.1(c)(1). This Fund shall be administered in compliance with the Judicial Conference 2009 Guidelines ("Guidelines") set forth in Volume 13, Chapter 12: Attorney Admission Fees, of the *Guide to Judiciary Policy* ("Guide").

II. Custodian of the Attorney Admission Fund

The Clerk of the District Court is appointed as the custodian of the Fund, and shall perform her duties under the supervision of the Chief Judge. The Clerk may delegate the general maintenance of the Fund to a deputy clerk. The administrator or designee shall:

- A. Receive, safeguard, deposit, disburse, invest and account for all funds in accordance with any pertinent laws;
- B. Establish an accounting system for the funds as required by the Court;
- C. Ensure that the financial statements and operating reports are prepared in a timely fashion and sign those statements, thereby certifying that these statements and reports accurately present the financial condition of the Fund. The operating reports are to be prepared at least quarterly and state the following:
 - 1. Beginning balance of assets;
 - 2. Revenue during the reporting period: collections and investment;
 - 3. Disbursements during the reporting period, listed by major classifications called for in the Court's Attorney Admission Fund Plan;
 - 4. Ending balance of assets: bank balances and un-deposited collections; and

5. Available balance.

D. Deposit or invest moneys of the Fund;

E. Perform such other functions as the Court may direct.

III. Authorized Fund Deposits, Expenditures and Maintenance

A. The entirety of the fee for *pro hac vice* admission collected by the District Court, as well as such other deposits as may be ordered or approved by the Court, shall be deposited into the Fund; however, the Court may not place into its Attorney Admission Fund monies from other sources, including but not limited to:

- Contempt fines;
- Proceeds of sales of local rules;
- Unclaimed funds;
- Undistributed interest on registry accounts;
- Gifts or bequests of cash; or
- Copying fees.

B. The Fund shall be used only for purposes which inure to the benefit of the bench and the bar in the administration of justice, and for any purpose that may be deemed proper and consistent with the Guidelines adopted for the administration of the Fund established by the Judicial Conference or provided in the *Guide*. Unreasonable accumulation of these funds shall be avoided. The Fund shall be administered and maintained in compliance with the *Guide* and Judicial Conference policy standards. Non-appropriated funds shall not be used to supplement appropriated fund expenditures or to pay for materials or supplies available from statutory appropriations. Monies in the Fund shall not be comingled with appropriated funds and must be segregated from all other monies in the custody of the Court.

C. The Attorney Admission Fund must be used for purposes which benefit members of the bench and the bar in the administration of justice. Common uses of the Fund include, but are not limited to, the following:

1. Attorney admission proceedings (including expenses of admission committees and ceremonies).

2. Attorney discipline proceedings (including, but not limited to, expenses of investigating counsel for disciplinary enforcement, stenographers, meeting room rentals, postage, travel expenses and fees of witnesses).
3. Furnishings, equipment, and amenities for lawyer lounges that may not be purchased or funded from appropriated funds. Examples include furniture, photocopiers and wireless internet service; beverage supplies or service; and refrigerators and other appliances.
4. Surety bond for the custodian of the fund. (The bond may only cover monies in the Fund).
5. Fees for services rendered by outside auditors or accountants in auditing the fund;
6. When *pro bono* counsel has been appointed by this Court to represent an indigent party in a proceeding in this Court, that attorney may petition the Court for reimbursement of fees and expenses incurred in the preparation and presentation of the proceeding, subject to the restrictions of this Plan.
7. Reimbursement of court-appointed *pro bono* counsel for out-of-pocket expenses, payment of compensation to *pro bono* counsel, and payment of witness fees and other expenses for indigent civil litigants;
8. Reimbursement by the Court to jurors for lost or damaged personal property incident to their jury service, when compensation is not available under a statute such as the Federal Tort Claims Act.
9. Hospitality items, such as food, beverages, mementos for which appropriated funds may not be used, including meals and beverages for judges and employees attending a bench/bar meeting or similar event at their official duty station in a non-official capacity. For the purposes of this Plan, the official duty station for judges and employees in the District of Maine includes district and bankruptcy courthouses in both Bangor and Portland.
10. Cash donations to law-related educational or charitable organizations, such as a historical society, law school, or bar association, for purposes

that advance the administration of justice in the courts. In considering such donations, care should be exercised to avoid the appearance of impropriety, undue favoritism, conflicts of interest and other concerns under the Codes of Conduct for United States Judges and Judicial Employees.

11. Expenses of circuit judicial conferences, to the extent permitted by the policy of the Judicial Conference of the United States.
12. Expenses for continuing legal educational programs and programs for members of the bar, their support staff, or members of the public, including, but not limited to, the preparation and duplication of materials and the provision of refreshments in connection with such programs.
13. Expenses for investiture ceremonies that may not be paid by using appropriated funds, such as refreshments.
14. Expenses for portrait ceremonies, including the preparation and duplication of ceremony materials and the provision of refreshments and materials in connection with such programs and functions.
15. Financial contributions that support programs and projects that promote historical understanding of the Court and the bar in the District of Maine, including collection, restoration, preservation and or display of records, artifacts of historical significance, judicial portraits, historical photographs, art and oral histories.
16. The Chief Judge may approve payment or reimbursement up to \$50.00 each for the purchase of mementos for each visiting judge or other dignitary, up to a total of \$500.00 for each group of judges or dignitaries. The Chief Judge will not approve payment or reimbursement for any gift that, in the Chief Judge's opinion, might place any of the Court's officers or employees in violation of the applicable Code of Conduct.
17. Any other purpose for which appropriated funds may not legally be used that will benefit the bench and the bar in the administration of justice.

18. Other expenditures which have been approved by the Chief Judge and are consistent with the Guidelines adopted for the administration of the Fund established by the Judicial Conference.

IV. Limitations on Use of the Attorney Admission Fund

- A. The Attorney Admission Fund shall not be used to pay for goods or services for which appropriations may legally be used, even if the appropriated funds are exhausted or otherwise not available (e.g., because the expenditure would exceed a judiciary spending limit). Use of the Fund for any purpose for which appropriated funds may legally be used constitutes an impermissible augmentation of appropriations.
- B. Notwithstanding the rule against augmentation set forth in this section, attorney admission funds may be used to purchase books, periodicals and other resource materials for court libraries for which appropriated funds may also be used.
- C. The Fund shall not be used to supplement the salary of any judge or court employee, or provide a personal benefit to any judge or court employee, or his or her family member. As a limited exception, a judge or court employee, or his or her family member, may receive a *de minimus* personal benefit incidental to a proper expenditure from the Fund, e.g., refreshments or hospitality items provided in the list of authorized expenditures in Section III of this plan.
- D. The Attorney Admission Fund shall not be used to pay for official or personal travel by a judge or court employee or by his or her family member. As a limited exception, the Fund may be used to pay for local transportation of a judge or court employee to attend bench/bar events.
- E. The Fund shall not be used to pay for the printing of local rules.

V. Authorization to Make Expenditures

The Clerk of Court as the administrator of the Fund, with authorization of the Chief Judge, shall have authority to make expenditures of up to \$500.00 per item and \$5,000.00 per year. These expenditures shall be reported annually to the Chief Judge in the administrator's annual report. (See Section VII below).

VI. Approval Process

Any active District Judge, Senior Judge, Magistrate Judge, or Bankruptcy Judge may make a recommendation for expenditure from the fund. If the recommendation is for an expenditure of \$500.00 or less, it should be directed to the Clerk of Court; if it is for more than \$500.00, the recommendation should be directed to the Chief Judge, with a copy to the Clerk of Court. The Chief Judge may approve requests for reimbursement from court-appointed civil *pro bono* counsel for any amount, as long as the request is accompanied by an explanation and proof of the expenses requested.

VII. Administrator's Annual Report

In January of each year, the administrator shall prepare an annual report to the Chief Judge regarding the administration of the Fund during the preceding year.

VIII. Fund Audits

The Fund is subject to audit by the Administrative Office of the United States Courts. The Court may appoint an outside auditor or disinterested person (who may be a government employee) to conduct such audits of the Fund as the Court determines may be necessary or appropriate. The written results of such audits should be provided to the Court and may be made available upon request to members of the bar. Reasonable compensation may be provided from Fund assets if the auditor is not a government employee acting in an official capacity. A final audit should be performed prior to the dissolution of the Fund and a written accounting rendered to the Court.

IX. Duties Upon Appointment of Successor Fund Administrator

Whenever a successor administrator is appointed, the outgoing administrator shall prepare and sign the following statements in conjunction with an exit audit or inspection conducted by an auditor or disinterested person as designated by the Court:

- A. A statement of assets and liabilities;
- B. A statement of operations or of receipts and disbursements covering the period since the last statement of operations and net worth, up to the date of transfer to the successor administrator; and

- C. A statement of the balance in any fund accounts as of the date of transfer to the successor administrator.

The successor administrator should execute a receipt for all funds after being satisfied as to the accuracy of the statements and records provided by the outgoing administrator. Acceptance may be conditioned upon audit and verification when the circumstances warrant.

X. Maintenance of the Fund

- A. All monies of the Attorney Admission Fund shall be deposited only in federally insured banks or savings institutions. Whenever practical and feasible, all substantial sums should be placed in interest-bearing accounts, government securities or money market funds invested in government obligations, at the direction of the Court. The custodian shall segregate the Attorney Admission Fund from all other monies in the custody of the Court.
- B. Attorney admission funds are subject to audit by the Administrative Office of the United States Courts. The Court may appoint an outside auditor or disinterested person (who may be a government employee) to conduct such an additional audit as the Court determines may be necessary or appropriate. The custodian shall provide the written results of such audits to the Court and may make them available upon request to members of the bar of the Court. The auditor may receive reasonable compensation from the Attorney Admission Fund, if the auditor is not a government employee acting in an official capacity.
- C. The Court may dissolve the Fund in its discretion. A final audit shall be performed, and a written accounting rendered to the Court, before dissolution of the Fund. The custodian shall ensure that all outstanding obligations are liquidated before dissolution of the Fund, including any expenses resulting from the required final audit. The Court shall dispose of the remaining monies in ways that fulfill the purposes of the Attorney Admission Fund.

In order to assure these funds are adequately safeguarded and properly invested, the Court adopts this plan.

So ORDERED.

Dated November 15, 2013.

/s/JOHN A. WOODCOCK, JR. _____
Chief U.S. District Judge